

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDWARD DONALD BURLEY,

Petitioner,

Case No. 11-CV-11258

v.

HON. AVERN COHN

JOHN PRELESNIK,

Respondent.

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**ORDER DENYING MOTION FOR CERTIFICATE OF APPEALABILITY (Doc. 42)**

This is a habeas case under 28 U.S.C. § 2254. Petitioner Edward Donald Burley (Petitioner) is a state prisoner who is serving a sentence of eighteen years, nine months to forty years in prison, following a guilty plea, for conspiracy to commit armed robbery, in violation of M.C.L. §§ 750.157a; 750.529. Petitioner filed a pro se petition for writ of habeas corpus in which he presented fifteen claims for relief. On September 7, 2012, the Court denied the petition and declined to issue a certificate of appealability. (Doc. 39).

On September 19, 2012, Petitioner filed a motion requesting a certificate of appealability (COA) on several of his claims. Given that the Court has already found that Petitioner is not entitled to a COA, the motion is MOOT. Furthermore, construing Petitioner's motion as a motion for reconsideration of the denial of a COA, it is DENIED. Petitioner has not established that reasonable jurists would debate the Court's

assessment of Petitioner's claims or conclude that his claims deserve encouragement to proceed further.

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: September 25, 2012

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, September 25, 2012, by electronic and/or ordinary mail.

S/Julie Owens  
Case Manager, (313) 234-5160